

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**HOWARD HAYS**

**PLAINTIFF**

**V.**

**NO.: 4:17CV133-MPM-RP**

**STATE OF MISS, ET AL.**

**DEFENDANTS**

**ORDER**

Plaintiff Howard Hays has filed a motion seeking reconsideration of this Court's October 12, 2017, judgment dismissing his § 1983 lawsuit with prejudice. *See* Doc. #10. The Court construes Hays' motion as one to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. An order granting such relief is appropriate when: (1) there has been an intervening change in the controlling law, (2) the movant presents newly discovered evidence that was previously unavailable, or (3) it is necessary to correct a manifest error of law or fact. *Schiller v. Physicians Resource Group, Inc.*, 342 F.3d 563, 567 (5th Cir. 2003).

As the Court has already determined, *res judicata* bars this action, which is duplicative of an earlier-filed action. *See, e.g.*, Doc. #8 at 3; *Hays v. Granderson*, 4:15cv51-NBB-DAS (N.D. Miss.). In the instant motion, Hays argues the merits of the claims asserted in the earlier-filed action and not the Court's ruling that this particular action is duplicative. Therefore, the Court finds that Hays has failed to demonstrate that there is any basis for Rule 59 relief, and his motion for reconsideration [10] is **DENIED**. If Hays wishes to challenge the Court's ruling in the earlier-filed action, he will need to file a motion for relief in that particular case.

**SO ORDERED** this 6th day of November, 2017.

/s/ Michael P. Mills

UNITED STATES DISTRICT JUDGE